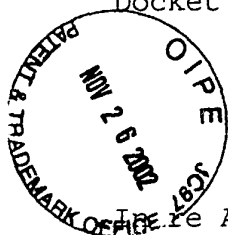


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DEC 03 2002

TECH CENTER 1600/2900

Docket No.: 2312-105



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of Takashi AOYAMA et al.

Serial No.: 09/438,392

Filed: November 12, 1999

For: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS
WITH A SILENT MARKER

Group Art Unit: 1635

Examiner: Jane J. Zara

#20/K.T.
12/6
Notice of
Appeal

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 26, 2002 rejecting the following claims: 67-75 and 77-83.

Applicant claims small entity status. Therefore, the fee for this Notice of Appeal is \$160.00.

An extension of time is requested for one month. The required fee for this extension of time is \$55.00.

The Commissioner is authorized to charge the fees for the Notice of Appeal and for the extension of time to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

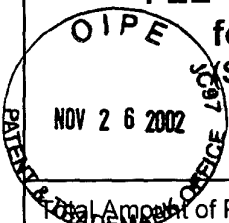
By

Mark I. Bowditch
Attorney for Applicants
Registration No. 40,315
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
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11/29/2002 MAHMED1 00000042 022135 09438392

02 FC:2401 160.00 CH

#1635
92

FEE TRANSMITTAL for FY 2002 (Small Entity) 		Complete if Known	
		Application Number	09/438,392
		Filing Date	November 12, 1999
		First Named Inventor	Takashi AOYAMA et al.
		Examiner Name	Jane J. Zara
Total Amount of Payment (\$) 215.00		Group Art Unit	1635
		Attorney Docket Number	2312-105

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METHOD OF PAYMENT (check one)

- ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.
- ☐ Payment Enclosed:

☐ Check

☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
201	370	Utility filing fee	[]
206	165	Design Filing Fee	[]
207	255	Plant Filing Fee	[]
208	370	Reissue Filing Fee	[]
214	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee	Fee Paid
[]	[]	[]	20** = [] x	\$ 9 = []	[]
[]	[]	[]	3** = [] x	42 = []	[]
[]	[]	[]	+	140 = []	[]

**or number previously paid, if greater;

SUBTOTAL \$

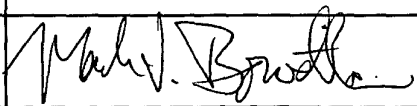
FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[]
227	25	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
215	55	Extension for reply within first month	[55]
216	200	Extension for reply within second month	[]
217	460	Extension for reply within third month	[]
218	720	Extension for reply within fourth month	[]
228	980	Extension for reply within fifth month	[]
219	160	Notice of Appeal	[160]
220	160	Filing a brief in support of an appeal	[]
221	150	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
240	55	Petition to revive -unavoidable	[]
241	640	Petition to revive - unintentional	[]
242	640	Utility issue fee (or reissue)	[]
243	230	Design issue fee	[]
244	310	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
246	370	Filing a submission after final rejection (37 CFR .129(a))	[]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[]
279	370	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing an application for patent term adjustment	[]
090	400	Request for reinstatement of term reduced	[]
		Other fee (specify)	[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$215

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Mark I. Bowditch, Reg. No. 40,315		
SIGNATURE		DATE	11/26/02
		DEPOSIT ACCOUNT USER ID	